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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/926,766

05/22/2002

Hajime Kurosawa

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06/03/2004

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EXAMINER

LIU, MING HUN

ART UNIT

PAPER NUMBER

2675

10

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,766

Applicant(s)

KUROSAWA ET AL.

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/12/2004 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,445,380 to Klein in view of US Patent 5,784,060 to Bertram et al in view of US Patent 5,503,484 to Louis.

In reference to claim 7, Klein clearly shows in figure 1, right and left buttons disposed on the lowermost row that include the space and enter key button functions. Klein's invention however does not include the exact positioning of the delete and backspace buttons.

By referring to the Bertram reference and particularly figure 11, it is apparent from the disclosure that the idea of positioning the backspace and delete buttons in a location other than the conventional keyboard layout location is not unique. Even though, Bertram's reference violates the claim limitation of restricting the invention to non-assignable keyboards, the novel idea of positioning the backspace and delete buttons in the right most column of the keyboard is

Art Unit: 2675

certainly reflected in the disclosure. The idea of including the backspace button in the right most, middle row of the keyboard is not a unique. The idea of placing high keystroke keys in more accessible positions is a concept that is well known in the art and as Bertram insists, positioning the backspace button in the middle far right portion of the keyboard is advantageous.

Lastly, by refereeing to the Louis reference figure 3, it is apparent that the uppermost far right key is the delete button. As mentioned before, the concept of positioning high traffic keys in convenient finger position is a fact well known to the art.

As demonstrated by the references cited, it is apparent the concept of repositioning keyboard buttons in the disclosed fashion is not a novel idea.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,445,380 to Klein in view of US Patent 5,784,060 to Bertram et al in view of US Patent 5,503,484 to Louis in further view of US Patent 5,880,685 to Weeks.

Klein teaches an invention where the right key is the enter key and the left key is the space key, a limitation that is opposite of the disclosed limitation.

Weeks on the other hand teaches a keyboard that coincides with the claimed limitation having left key as the enter key and the right as the space key.

The positioning of Klein's keys can be easily modified to resemble the claimed invention by switching the keys around.

As demonstrated by Weeks, the idea of allowing a user to access the space button with the right thumb and the enter key with the left is an idea that is known to the art. Again one

Art Unit: 2675

skilled in the art would have found it necessary to switch the keys of Klein's invention if he believed Weeks positioning of the keyboard buttons provided a more natural interface for users.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/926,799⁶⁶
Art Unit: 2675

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ming-Hun Liu


DENNIS-DOON CHOW
PRIMARY EXAMINER